

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

TIMOTHY G. JONES

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Case No.: 2:07-cr-280-MHT

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, **TIMOTHY G. JONES**, by undersigned counsel, Michael J. Petersen, and pursuant to 18 U.S.C. § 3161(h), respectfully moves this Court to continue this matter from March 17, 2008 trial docket.

In support of this motion, the Defendant would show that such continuance will serve the ends of justice, and will permit the parties to conduct the negotiation of a pre-trial resolution of this case, based on the following circumstances:

1. The attorney for the Government in this case, Jerusha Adams, Esq., does not oppose this motion.
2. Mr. Jones was arraigned on January 28, 2008, on charges based upon events which occurred on or about the months of July, August, and September 2006, (Doc #1), and the Federal Public Defender was appointed to represent him. (Doc #7)
3. Mr. Jones has authorized counsel to participate in settlement negotiations.
4. Both parties require additional time in order to pursue plea negotiations; therefore, this motion requests the additional time to properly conclude these negotiations.
5. Such negotiations cannot be completed by the trial date of March 17, 2008.
6. While requests for a continuance are addressed to the sound discretion of the trial

court, *United States v. Darby*, 744 F.2d 1508, 1521(11thCir. 1984),*reh'g denied* 749 F.2d 733, *cert. denied*, 471 U.S. 1100 (1985), undersigned counsel feels that, in this case, the ends of justice will be served by allowing the counsel adequate time to pursue a pre-trial resolution of this matter.

WHEREFORE, based upon the foregoing, the Defendant, by and through undersigned counsel moves this Court for an Order continuing this matter to the next available trial term in order to properly pursue a pre-trial resolution of this matter.

Dated this 29th day of February, 2008.

Respectfully submitted,

s/ Michael J. Petersen
MICHAEL J. PETERSEN
Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: michael_petersen@fd.org
ASB-5072-E48M

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CERTIFICATE OF SERVICE

I hereby certify that on February 29, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Jerusha Adams, Esq., Assistant U.S. Attorney, 131 Clayton Street, Montgomery, AL 36101.

Respectfully submitted,

s/ Michael J. Petersen
MICHAEL J. PETERSEN
Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: michael_petersen@fd.org
ASB-5072-E48M